

RUTHERFORD & CHRISTIE, LLP

NEW YORK

ATLANTA

MEMO ENDORSED

September 5, 2008

VIA FACSIMILE

Hon. Lisa Margaret Smith
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Perez v. Bubaris, et al.
Docket No.: 07 CV 8780
Our File No.: 1020.035

Dear Magistrate Judge Smith:

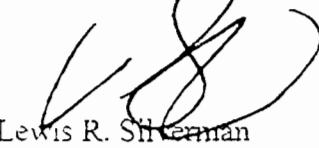
We represent a defendant, George Bubaris, in the captioned matter. We have spoken to the Westchester County District Attorney's Office and agreed to a briefing schedule for our pending motion to compel and respectfully request that the Court So Order the schedule as follows:

1. Westchester County District Attorney's Office Opposition to be filed by September 25, 2008;
2. Our reply will be filed by October 10, 2008;
3. Oral argument, if any, to be scheduled by the Court.

Thank you for your consideration of this matter.

Very truly yours,

RUTHERFORD & CHRISTIE, LLP


Lewis R. Silverman

LRS/hj

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